

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Norio Sugawara, et al.
Serial No. : 10/506,719
For : EXTERNAL STORAGE APPARATUS
Filed : September 7, 2004
Examiner : Hung S. Bui
Art Unit : 2841
Confirmation No. : 5177

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted via
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DeAndre Breeland
(Name of person signing transmittal)


Signature

June 9, 2008
Date of Signature

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement dated May 12, 2008, having a one-month statutory period for response set to expire on June 12, 2008, wherein an Election/Restriction Requirement was required, Applicant responds as follows.

Applicant elects, with traverse, claims 1-10 as species of embodiment 1, for further prosecution in the present application.

It is submitted that a search for the invention defined by the claims of one group will require a search that encompasses the claims of the other groups and, thus, the claims

covering both species will be searched. If the present requirement for an election of species is maintained, the logical result will be the filing of yet another divisional application to include the claims that read on the non-elected species. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in that divisional application will overlap with and, in all probability, be identical to the search that is to be conducted on the group of claims elected herein, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional application; but in light of the delay between the prosecution of the present application and that of the divisional application, the Examiner will have to conduct a duplicate, redundant search at a later time. Alternatively, if a different Examiner is assigned to the divisional application, a significant loss of PTO efficiency will result in his examination of that divisional case. After all, the present Examiner will be the individual in the best position to examine both applications and he will be fully familiar with the subject matter of that divisional application.

Therefore, since the only logical outcome of the present requirement for an election of species would be to delay the examination of the claims that read on the group of claims not elected, resulting in inefficiencies on the part of the Office and unnecessary expenditures by applicant, and since a single search can be done for all claims without any significant burden on the Office, it is respectfully requested that this requirement for an election of species be withdrawn.

Applicant reserves his right to file a divisional application to, if necessary, so as to proceed with the examination of the non-elected claims.

Applicant reserves the right to file one or more divisional Applications directed to the non-elected claims.

An early examination on the merits of the claims of this application is respectfully solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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